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## REMARKS

With the foregoing amendment claims 1-30 are pending in the application. Claims 1, 10, and 21 are independent. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

### Claim Objections

Claim 1, 4, and 20 have been amended as suggested by the Examiner.

### Rejection of claim 3

Claim 3 stands rejected under 35 U.S.C. § 112. Claim 3 has been amended to recite that "the processor is configured to compare a main object of the second image with a main object of the first image to determine if motion between said current second image and said previous first image is below said at least one predetermined motion threshold." Accordingly, the rejection of claim 3 should be withdrawn because claim 3, as amended, is not indefinite.

### Rejection of Independent Claim 10

Claim 10 stands rejected under 35 U.S.C. § 102 as being anticipated by Bell et al (US 5,103,254). Applicant respectfully disagrees.

Claim 10 is not anticipated by Bell because Bell does not disclose all of the steps of claim 10. For example, at the least, Bell does not disclose the following sequence of steps:

> wherein the step of capturing a current image and the steps of comparing and determining **are repeated until said current image is determined to be stable.**

as is required by claim 10 (emphasis added).

Bell discloses a camera that "detects motion of the [a] subject based on the movement of an outline provided by a gradient function." *Col. 1, lines 65-68*. Additionally, Bell discloses "adjusting the shutter speed based on the amount of motion of the subject." *Col. 2, lines 1-2*. The process disclosed by Bell is shown in FIG. 11a-d.

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As illustrated in FIG. 11a-d, Bell discloses capturing a first image (see step 102 of FIG. 11a). After capturing the first image, the camera waits a time interval Td (see step 126 of FIG. 11a). After waiting the time interval, the camera captures a second image (see step 128 of FIG. 11b). After capturing the second image, the camera compares the two images (see steps 152-162 of FIG. 11c). After comparing the images, the camera determines whether the differences between the two images is greater than a threshold Nmin (see step 164 of FIG. 11c). After making the determination, the processor either indicates "significant motion" or indicates "no significant motion" (see steps 166 and 168) to the controller. Next, the camera will either end the process (step 172) or determine the direction and rate of the subject's motion (steps 174-200).

Nowhere, however, does Bell disclose that the image capturing and comparing steps are repeated until the current image is determined to be stable (i.e., the subject does not exhibit significant motion), as is required by claim 10. That is, claim 10 requires capturing at least one additional image if the comparison of the current image with the previous image indicates that the current image is not stable. Bell simply does not disclose this feature.

Bell, as described above, merely discloses comparing a current image to a previous image and notifying a controller of the result of the comparison (see steps 166 and 168). Thus, Bell does not disclose that the image capturing and comparing steps are repeated until the current image is determined to be stable (i.e., the subject does not exhibit significant motion), as is required by claim 10.

Applicant, therefore, respectfully requests that the rejection of claim 10 (and claims 11-20, which depend from claim 10) be withdrawn.

## Rejection of Independent Claim 21

Claim 21 stands rejected under 35 U.S.C. § 102 as being anticipated by Bell. Applicant respectfully disagrees.

Claim 21, as now amended, requires the follwing steps:

[1] capturing a first image;
[2] capturing a second image after capturing the first image;
[3] comparing the second image to the first image;

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[4] determining if the second image is stable with regard to motion;

[5] if the second image is stable with regard to motion, then storing the second image as a final image, and

[6] if the second image is not stable with regard to motion, then (i) capturing a third image and (ii) comparing the third image to the second image

As discussed above with respect to claim 10, Bell discloses the following steps: (1) capturing a first image, (2) waiting a time interval Td, (3) capturing a second image after waiting, (4) comparing the first and second images, and finally (5) indicating to a controller either "significant motion" or "no significant motion." (see col. 5, lines 29-62 and FIG. 11a-d). In short, Bell merely discloses comparing a second image to a first image and then indicating to a controller either (1) "significant motion" or (2) "no significant motion."

Accordingly, Bell does not disclose <u>capturing a third image</u> and comparing the third image with the second image <u>if the comparison of the second image to the first image results in an indication of "significant motion,"</u> as is required by claim 21. Thus, Bell does not disclose all of the features of claim 21. Applicant, therefore, respectfully requests that the rejection of claim 21 (and claims 22-30, which depend from claim 21) be withdrawn.

## Rejection of Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. § 103 as being obvious over Bell. Applicant respectfully disagrees.

Claim 1, as now amended, requires that the processor be configured to:

(a) compare a second image to a first image, wherein the second image is captured after the first image is captured, to determine if motion between said second image and said first image is below said at least one predetermined motion threshold, ... and (c) capture a third image and compare the third image with the second image ... if the motion between said second image and said first image is not below said predetermined motion threshold.

As discussed above with respect to claim 21, Bell does not disclose <u>capturing a third image</u> and comparing the third image with the second image <u>if the comparison of the second</u>
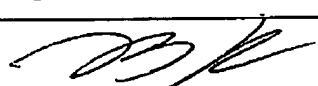
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image to the first image results in an indication of "significant motion," as is required by

claim 21. Furthermore, there is no motivation or suggestion to modify Bell to achieve the

claimed invention. Applicant, therefore, respectfully requests that the rejection of claim 1

(and claims 2-9, which depend from claim 1) be withdrawn.

## CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed,

accommodated, or rendered moot. Applicant therefore respectfully requests that the

Examiner reconsider all presently outstanding objections and rejections, and that they be

withdrawn. Applicant believes that a full and complete reply has been made to the

outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite

prosecution of this application, the Examiner is invited to telephone the undersigned at the

number provided.

| RESPECTFULLY SUBMITTED, | | | | | | |
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